

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

January 09, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: NM
DEPUTY

Paul Valdez and Currie Byrd, Individually §
and on Behalf of All Others Similarly §
Situating, §

Plaintiffs, §

v. §

CIVIL ACTION NO. 5:23-cv-290-OLG

Assiette, LLC d/b/a Tardif's American §
Brasserie and Jean Yves Tardif Individually, §

Defendants §

ORDER GOVERNING NOTICE TO SIMILARLY SITUATED WORKERS

The Court, pursuant to the stipulation between the parties agreeing to sending notice in this matter, hereby ORDERS as follows:

1. Within 10 days of the granting of this Order, Assiette, LLC ("Assiette") shall provide the similarly situated individuals' names and last known mailing addresses, email addresses and mobile telephone numbers to counsel for Plaintiffs. This group of people consists of all individuals who are/were employed as waitstaff and bartenders by Defendant Assiette, who worked for Assiette for at least two (2) weeks, and who were paid tips during the two-year period preceding the filing of this Complaint.

2. Within 10 days of receipt of the information provided by Assiette pursuant to the preceding paragraph, Plaintiffs shall send one copy of the notice and consent forms as submitted by the Plaintiffs, which are hereby approved by the Court, to each of the similarly situated workers, as well as a stamped, self-addressed envelope for the return of the consent form. The notice shall be sent out in paper form, by email if available, and by text notice. The email and text subject line, if applicable, shall state "Court-Approved Notice regarding Assiette, LLC d/b/a Tardif's American

Brasserie overtime lawsuit attached.” A second copy of the notice and consent may be sent out thirty (30) days after the first notice is sent, by mail, email, and text. The email and text notices may have a link to a website that contains a copy of the agreed-upon notice and a consent form. This website may allow opt-ins to sign the consent forms electronically.

3. Similarly situated workers who have not joined the action as of the date of this Order shall be allowed to file consents to join this action at any time on or before 75 days after the notice ordered pursuant to this Order is sent out for the first time (the “Opt-in Period”). Similarly situated workers who have not filed consents to join this action on or before that date shall not be allowed to participate in this action, unless the parties stipulate to, or good cause is shown to the Court for, allowing additional individuals joining the action after the Opt-in Period has closed.

4. During the Opt-in Period, the parties and their counsel are ordered not to make any communication, other than the notice as approved herein, to any similarly situated worker that has the purpose or effect of influencing his or her decision as to whether or not to join the lawsuit. The parties and their counsel each may respond to questions posed in communications initiated by similarly situated workers by providing factually accurate and verifiable information about the case. Counsel are cautioned to stay in compliance with ethical rules regarding improper solicitation of clients or witnesses as well as ethical rules protecting against actual or apparent conflicts of interest.

5. Neither the parties nor their counsel shall use the provisions of this Order limiting contacts with similarly situated workers to gain a strategic or tactical advantage in the litigation. During the Opt-in Period, Defendants shall not solicit or collect written or oral statements from similarly situated workers for the purpose of defending the case. Notwithstanding the foregoing conditions and restrictions, Defendants may collect any statements it deems necessary to respond

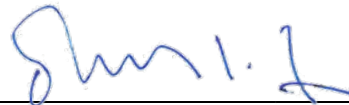
to any motion or request for relief that is filed in this case or in any other action in which Defendants' workers assert a claim for unpaid compensation under any state or federal law.

6. This Order does not limit Defendants' right or ability to engage in communications with their current employees who are similarly situated workers for the purpose of conducting Defendants' business, rather than for gathering or communicating information about this case, and Plaintiffs' counsel may engage in communications on any subject with individuals who have retained them as their counsel in this matter, as well as with Defendants' employees or former employees who are potential fact witnesses in this case.

7. Additionally, Plaintiffs may utilize a website that contains only the agreed-upon notice and a consent form, and that allows for electronic signatures on the consent forms.

It is so **ORDERED**

SIGNED on this the 9th day of January, 2024.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE